PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ATTORNEY DOCKET NO. 23506.0.2

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMATED PORTABLE REMOTE ROBOTIC TRANSCEIVER WITH DIRECTIONAL ANTENNA

the specification of which					No or	OCT Laterna	atawah Awaliasatian	
() was filed on		<u>.</u>	as US App	lication Serial	No. or F	Ci interna	tional Application	
Number I hereby state that I have any amendment(s) referre 37 CFR 1.56.	reviewed and		tents of the above	e-identified spe	ecificatio	on, including	g the claims, as amended batentability as defined in	
Foreign Application(s) and/or I hereby claim foreign priority have also identified below any	benefits under T	itle 35, United States Co					ntor(s) certificate listed below an which priority is claimed:	
COUNTRY APPLI		ATION NUMBER	DATE FILE	D	PRIORITY CLAIMED UNDER 35 U.S.C. 119			
					YES: NO:			
						YES:	NO:	
Provisional Application I hereby claim the benefit under	r Title 35, United	States Code Section 119	(e) of any United Sta	es provisional app	olication(s)) listed below:		
		APPLICATION SERIAL		FILING DATE		7		
		60/460		April 3,		1		
			,			1		
	tional filing date of this a	tion as defined in Title 37, Code of Federal Regulation nal filing date of this application: FILING DATE			ons, Section 1.56(a) which occurred between the filing date of the STATUS(patented/pending/abandoned)			
Trademark Office connected th			or agent(s) listed belo	•	nis applica	ation and trans	sact all business in the Patent an	
Send Correspondence to:				Direct Telephone Calls To:				
Frederick C. Williams Burns & Levinson LLP 1030 Fifteenth Street, N.W. Suite 300 Washington, DC 20005-150		Frederi (202) 84			ck C. Williams 2-0431			
I hereby declare that all statem	ents made herein e with the knowl	edge that willful false sta	tements and the like	so made are punis	hable by fi	ine or imprisor	are believed to be true; and furth nment, or both, under Section 100 ued thereon.	
Full Name of Inventor: <u>Jac</u>		Citizenship: US						
Residence: 22371 Sunbrook,	Mission Veijo, (CA 92692					,	
Post Office Address: Same					<u> </u>			
Inventor's Signature			Date					

taken part in discovery.

Tutor's counsel opposes this motion, but admits Tutor did not participate in discovery.

Tutor's counsel further represents they have not been in contact with her for more than eight

months. Further, it appears that Tutor no longer has the residence she occupied at the beginning

of this litigation. Therefore, it is unclear how anyone could contact her.

Federal Rule of Civil Procedure 41(b) provides for involuntary dismissal "[i]f the plaintiff

fails to prosecute or to comply with [the] rules [of civil procedure] or a court order. Such a

dismissal is "an adjudication on the merits." Fed. R. Civ. P. 41(b). Such a dismissal with

prejudice is "an extreme sanction" that should only be granted on a clear record of delay.

Anthony v. Marion County General Hospital, 617 F.2d 1164, 1167 (5th Cir. 1980).

The court finds such a clear record of delay exists in this case. Tutor has disappeared

from this litigation. She has not participated in discovery and the deadline for her participation

has now passed. The defendants can not mount a defense without any information from her.

Tutor's counsel can make no good faith argument that she will now begin to participate in the

process. Tutor has not prosecuted this action. She has failed to comply with the Rules of Civil

Procedures and the Case Management Order. As such dismissal is the only option.

The claims brought by Tutor both individually and as next friend of James Stevenson are

dismissed with prejudice.

The defendants' motion is GRANTED.

This the 6th day of February, 2009.

/s/ MICHAEL P. MILLS

CHIEF JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF MISSISSIPPI